

PLANNING COMMISSION
Berryville-Clarke County Government Center
MINUTES OF REGULAR MEETING
August 25, 2015

A meeting of the Berryville Planning Commission was held on Tuesday, August 25, 2015 at 7:30 p.m. in the Berryville – Clarke County Government Center located at 101 Chalmers Court in Berryville, Virginia.

ATTENDANCE: Members of the Planning Commission present: Doug Shaffer, Kim Kemp, Gwen Malone, Sheryl Reid, Debbie Zimmerman, Michelle Marino, Dale Barton, Russ Heikes, William Steinmetz

Absent: None

Staff present: Christy Dunkle, Assistant Town Manager/Planner

Others present: Andrew Painter, Jon Erickson, Francis Nance, Alton Echols, Dan Garrett, Sharon Strickland, Mary Daniel

Chair Shaffer opened the meeting at 7:30pm. He welcomed new Commissioner William Steinmetz to the meeting.

APPROVAL OF AGENDA

Ms. Reid moved to approve the agenda as written, seconded by Ms. Malone. The motion passed by voice vote.

APPROVAL OF MINUTES

Ms. Kemp moved to approve the minutes of the April 28, 2015 Planning Commission meeting as presented, seconded by Ms. Zimmerman. The motion passed by voice vote.

REGULAR SESSION

Citizens' Forum

Chair Shaffer said that the Citizens' Forum will be for speakers who are not discussing the senior housing items on the agenda. He added that he would allow speakers under item 5 on the agenda concerning the proposed text amendment and indicated each speaker would have three minutes and the applicant would have five minutes. He recognized Mr. Alton Echols, 400 Custer Court, Berryville. Mr. Echols distributed information and referenced the document by saying that the Red Apple is approximately 2,022 square feet and that convenience stores along the Route 7 Bypass are 5,500 square feet. He said he would like the Planning Commission to consider sponsoring a text amendment that would increase the current size permitted in the BC district (2,000 square feet) to 4,000 square feet in order to construct a facility next to the Food Lion. He said that a McDonald's is going to be constructed next to the Bank of Clarke drive through and referenced the site development plan distributed earlier in the meeting. He said he envisioned an 1850's village theme for the design of the proposed Battlefield Station. He also requested that apartments be permitted above a proposed medical arts building in this area.

NEW BUSINESS

Set Public Hearing - Text Amendment

Ms. Dunkle described the request. Chair Shaffer recognized Sharon Strickland, 312 Early Drive. Ms. Strickland said she is anxious to see the 120-unit Robert Regan building constructed. She said these units would help revenue streams in light of the recent crisis of a 56% tax rate increase, emergency services funding for vehicles and equipment, and would provide for clean and decent housing. She added it is a win-win having a great developer and strong units in the most modern of complexes ever built. She said that 10 or 12 market rate apartments had been set aside for residents of Berryville.

Chair Shaffer recognized Harold Rohde, Chief of John H. Enders Fire and Rescue Company, 114 Smith Street, Berryville. Chief Rohde referenced his January letter indicating increased call volumes of approximately five (5) percent with the Mary Hardesty project. He said adding another nursing facility would likely double the previous figure creating a 10% increase in call volume. He again referenced the January letter stating that emergency services could not guarantee staffing to respond to calls. He discussed fee for service and said that half of this funding pays for part time salaries and uniforms and the remaining may be adequate for insurance and medical supplies. He added that funds are only received if the patient has insurance that would cover the transport and said that Medicare has been fighting these fees nationally. He said public service calls, where patients are not transported, are not covered. He said staffing at the older person residential facilities are not trained in emergency medical responses and the policy for many of these facilities is to call local fire and rescue automatically should any incident occur. He said Greenfield currently follows this protocol. He concluded by saying that the \$25,000 proffer offered by the developer of the Regan Village may cover diesel fuel costs for a year and that the company would prefer an annual stipend with an escalator.

Chair Shaffer recognized Andrew Painter, Attorney, representing the developer, 1 East Market Street, Leesburg. Mr. Painter identified the property on a site plan and described the numbers of units established in the Berryville Area Plan. He said this was the last parcel zoned Older Person Residential and suggested that this development will make the best use of what remains. He said this will benefit those on fixed incomes and will be a tremendous benefit to the community. Mr. Painter said they will work with emergency service and John H. Enders Fire and Rescue staff. He said that Special Use Permit conditions will address emergency service concerns. He compared the proposed facility with the Mary Hardesty project and discussed average rents. He said that in order to provide amenities, including an arts and crafts room and garden center, they need 120 units.

Ms. Dunkle asked for direction on the Special Use Permit process and requested a response in writing. Mr. Painter said that he was fine with the Special Use Permit tracking concurrently with the proposed plan and text amendments with a decision on the SUP after the previously referenced approvals.

Chair Shaffer recognized Francis Nance, Marlyn Development Corp., 308 35th Street, Virginia Beach. Mr. Nance said that Marlyn has been in the business for 25 years with references and awards as community of the year. He said other communities are offering incentives for developments similar to the Robert Regan project in order for Marlyn to build in their community.

Chair Shaffer recognized Alton Echols, 400 Custer Court, Berryville. Mr. Echols began by referencing benefits identified in the S. Patz and Associates report for both assisted and independent care facilities proposed for Berryville. He discussed fee for service and said this money and money from the two proposed senior developments would be enough to hire three full-time EMS staff. He said tax revenues generated would exceed one million dollars. He discussed statutory timeframes for Planning Commission,

BADA and Town Council and said that the plan amendment does not trump the zoning ordinance. He said the official map in the Berryville Area Plan is now void because of the timeframe of the review. Chair Shaffer recognized Mary Daniel, Berryville Town Council. Ms. Daniel thanked the Planning Commission on behalf of Town Council for the dedication every month. She told Commissioners that the resolution to initiate the text amendment and the Plan amendment was approved unanimously by Town Council. She said Council is looking for the Planning Commission to give them a recommendation on adding 60 units of multifamily units and reminded them it was the sole issue before them. She said to keep in mind the impacts on taxes and services in place since the mid-1990's and the red herring water and wastewater treatment plants. She concluded by saying that we plan in Berryville and asked that Commissioners not be distracted or bullied because it hurts her feelings. She offered to discuss the matter with any of the Planning Commissioners.

Chair Shaffer recognized Mr. Dan Garrett, 303 Archer Court, Berryville. He said that 20 years ago, senior needs were ranked a number one concern in the community by the Community Resources Board. He said in the past 20 years, these needs have increased. He asked for a change to the zoning ordinance for a total of 120 units of multifamily residential. He said Marlyn meets the zoning criteria issues mandated in the state code. He said that he defaults to Mr. Painter on legal matters adding that the state code calls for a variety of housing. He added that current lot sizes and availability fees are a problem. He asked Commissioners to support senior housing because it makes sense and is in our best interest. He said 60 homeowner co-sponsors, most living next to the proposed development, supported the effort at the last Town Council meeting.

There were no other speakers.

Discussion

Chair Shaffer asked Chief Rohde to clarify that the five percent figure referenced earlier in the meeting was combined fire and EMS. Chief Rohde said as he recalled that was the case adding that EMS were the vast majority of calls.

Mr. Heikes asked if there was someone representing the developer who could speak to the information submitted by Mr. Patz. Mr. Painter said he could speak to those questions. Mr. Heikes said that even if 120 multifamily units were allocated that there would not be adequate space remaining for other varieties of housing. He asked how much land was with the proposed development. Mr. Painter said it was approximately 10 acres. There was a general discussion about different housing types on this parcel.

Chair Shaffer asked for additional discussion amongst Commissioners. He said he had heard a lot of information over the previous months but did receive some new information at this meeting. He asked Commissioners to study the information over the next month. Ms. Zimmerman asked Mr. Painter how assistance for fire and rescue would be memorialized. Mr. Painter said conditions on these matters could be placed in the Special Use Permit conditions. He added that the building will feature sprinklers for fire suppression with no gas appliances. He said there is fire access identified around the building and that on-call staff at the facility would handle approximately 60% of the calls internally as they would not be require emergency responders. He reiterated that the developer has offered \$25,000 to fire and rescue.

Mr. Heikes said relative to the cost analysis in the Patz report, could he please clarify the figures presented. Mr. Painter said that the allocation of tax expenditures per unit was identified as \$252 per resident adding the number of employees. There was a discussion about the figures represented in the report.

Chair Shaffer reiterated what Ms. Daniel had discussed, requesting Commissioners take another look at the proposal and set a public hearing for their next meeting. He asked staff to discuss holding a joint public hearing with the BADA. Ms. Dunkle asked Commissioners what their availability was on September 29 allowing for an additional week in order to discuss the matter with the BADA as their meeting had been pushed back by a week. Mr. Heikes said he would not be available on the 22nd or the 29th. There were no other comments. On a motion by Ms. Malone, seconded by Mr. Heikes, the public hearing was set for September 29, 2015 at 7:30pm.

Discussion - Special Use Permit

Ms. Dunkle reviewed the application and explained the timing of the submission. She said she had been in contact with Mr. Painter and requested that he submit something in writing indicating that his client is okay with extending the approval time for the application due to the timing of the proposed plan and text amendments. Mr. Painter said he was fine with the review of the SUP running concurrently with the proposed amendments and that the final approval could wait until the amendments have been made.

Chair Shaffer asked if the Commissioners had questions on the SUP. Mr. Heikes asked Mr. Painter to confirm that the proposed roads were private. Mr. Painter said they are shown as private on the plans and that it is basically a private driveway that can still provide EMS access. He said a combined driveway with the proposed assisted living facility to the west would discourage cut through traffic. Ms. Reid said that Chamberlain had never been brought up to a public standards and that there is currently no curb, gutter or sidewalk. Mr. Erickson said that the private roads would be built to VDOT standards.

Discussion – Spot Blight Abatement at 203 Moore Drive

Ms. Dunkle said this townhouse unit had a fire in the spring and has been left open to the elements since that time. She said this item was informational only as the process may involve the Planning Commission holding a public hearing. Ms. Dunkle explained the Spot Blight Abatement process as described in Section 5-5 of the Code of the Town of Berryville. There was a discussion about the firewall.

Other

Ms. Malone asked the status of the sidewalk for Johnson-Williams Middle School. Ms. Dunkle said that the Safe Routes to School infrastructure grant was moving ahead, albeit quite slowly due to review times. She said the bid documents have been submitted to VDOT for review and she hopes the project can be completed by the end of the year.

OLD BUSINESS

Planning and Zoning Update

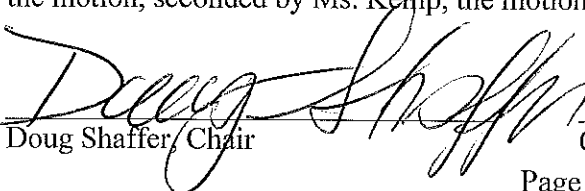
Ms. Dunkle reviewed items included in the update.

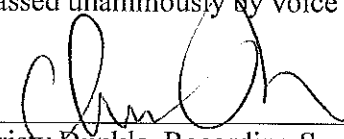
Other

There was no other business.

Adjourn

There being no further business, Chair Shaffer asked for a motion to adjourn the meeting. Mr. Heikes made the motion, seconded by Ms. Kemp, the motion passed unanimously by voice vote at 8:38 pm.


Doug Shaffer, Chair


Christy Dunkle, Recording Secretary